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ABSTRACT

This document contains a presidential draft of proposed legislation to establish procedures and standards for the framing of relief in suits to desegregate the nation's elementary and secondary public schools. Other purposes include the provision of assistance to voluntary desegregation efforts and the establishment of a national community and education committee to provide assistance to encourage and facilitate constructive and comprehensive community involvement and planning in the desegregation of schools. The bill would establish for federal courts specific guidelines concerning the use of busing in school desegregation cases. It would require the court to determine the extent to which acts of unlawful discrimination by governmental officials have caused a greater degree of racial concentration in a school or school system than would have existed in the absence of such acts. The bill would prohibit a court from ordering busing throughout an entire school system simply for the purpose of achieving racial balance. The bill recognizes that the busing remedy is transitional by its very nature and that when a community makes good faith efforts to comply, busing ought to be limited in duration. As such the bill provides that three years after busing remedy has been imposed, a court be required to determine whether to continue the remedy. (Author/AM)

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94th Congress, 2d Session - - - - - - House Document No. 94-540

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BUSING STUDENTS TO CORRECT SEGREGATION

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A DRAFT OF PROPOSED LEGISLATION TO ESTABLISH PROCEDURES AND STANDARDS FOR THE FRAMING OF RELIEF IN SUITS TO DESEGREGATE THE NATION'S ELEMENTARY AND SECONDARY PUBLIC SCHOOLS, TO PROVIDE FOR ASSISTANCE TO VOLUNTARY DESEGREGATION EFFORTS, TO ESTABLISH A NATIONAL COMMUNITY AND EDUCATION COMMITTEE TO PROVIDE ASSISTANCE TO ENCOURAGE AND FACILITATE CONSTRUCTIVE AND COMPREHENSIVE COMMUNITY INVOLVEMENT AND PLANNING IN THE DESEGREGATION OF SCHOOLS, AND FOR OTHER PURPOSES

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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JUNE 24, 1976.—Message and accompanying papers referred jointly to the Committees on the Judiciary, and Education and Labor, and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
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THE WHITE HOUSE, *June 24, 1976.*

To the Congress of the United States:

I address this message to the Congress, and through the Congress to all Americans, on an issue of profound importance to our domestic tranquility and the future of American education.

Most Americans know this issue is busing—the use of busing to carry out court-ordered assignment of students to correct illegal segregation in our schools.

In its fullest sense the issue is how we protect the civil rights of all Americans without unduly restricting the individual freedom of any American.

It concerns the responsibility of government to provide quality education, and equality of education, to every American.

It concerns our obligation to eliminate, as swiftly as humanly possible, the occasions of controversy and division from the fulfillment of this responsibility.

At the outset, let me set forth certain principles governing my judgments and my actions.

First, for all of my life I have held strong personal feelings against racial discrimination. I do not believe in a segregated society. We are a people of diverse background, origins and interests; but we are still one people—Americans—and so must we live.

Second, it is the duty of every President to enforce the law of the land. When I became President, I took an oath to preserve, protect and defend the Constitution of the United States. There must be no misunderstanding about this: I will uphold the Constitutional rights of every individual in the country. I will carry out the decisions of the Supreme Court. I will not tolerate defiance of the law.

Third, I am totally dedicated to quality education in America—and to the principle that public education is predominantly the concern of the community in which people live. Throughout the history of our Nation, the education of our children, especially at the elementary and secondary levels, has been a community endeavor. The concept of public education is now written into our history as deeply as any tenet of American belief.

In recent years, we have seen many communities in the country lose control of their public schools to the Federal courts because they failed to voluntarily correct the effects of willful and official denial of the rights of some children in their schools.

It is my belief that in their earnest desire to carry out the decisions of the Supreme Court, some judges of lower Federal Courts have gone too far. They have: Resorted too quickly to the remedy of massive busing of public school children; extended busing too broadly; and maintained control of schools for too long.

It is this overextension of court control that has transformed a simple judicial tool, busing, into a cause of widespread controversy

and slowed our progress toward the total elimination of segregation.

As a President is responsible for acting to enforce the Nation's laws, so is he also responsible for acting when society begins to question the end results of those laws.

I therefore ask the Congress, as the elected representatives of the American people, to join with me in establishing guidelines for the lower Federal Courts in the desegregation of public schools throughout the land—acting within the framework of the Constitution and particularly the Fourteenth Amendment to the Constitution.

It is both appropriate and Constitutional for the Congress to define by law the remedies the lower Federal Courts may decree.

It is both appropriate and Constitutional for the Congress to prescribe standards and procedures for accommodating competing interests and rights.

Both the advocates of more busing and the advocates of less busing feel they hold a strong moral position on this issue.

To many Americans who have been in the long struggle for civil rights, busing appears to be the only way to provide the equal educational opportunity so long and so tragically denied them.

To many other Americans who have struggled much of their lives and devoted most of their energies to seeking the best for their children, busing appears to be a denial of an individual's freedom to choose the best school for his or her children.

Whether busing helps school children get a better education is not a settled question. The record is mixed. Certainly, busing has assisted in bringing about the desegregation of our schools. But it is a tragic reality that, in some areas, busing under court order has brought fear to both black students and white students—and to their parents.

No child can learn in an atmosphere of fear. Better remedies to right Constitutional wrongs must be found.

It is my responsibility, and the responsibility of the Congress, to address and to seek to resolve this situation.

In the twenty-two years since the Supreme Court ordered an end to school segregation, this country has made great progress. Yet we still have far to go.

To maintain progress toward the orderly elimination of illegal segregation in our public schools, and to preserve—or, where appropriate, restore—community control of schools, I am proposing legislation to:

1. Require that a court in a desegregation case determine the extent to which acts of unlawful discrimination have caused a greater degree of racial concentration in a school or school system than would have existed in the absence of such acts;

2. Require that busing and other remedies in school desegregation cases be limited to eliminating the degree of student racial concentration caused by proven unlawful acts of discrimination;

3. Require that the utilization of court-ordered busing as a remedy be limited to a specific period of time consistent with the legislation's intent that it be an interim and transitional remedy. In general, this period of time will be no longer than five years where there has been compliance with the court order.

4. Create an independent National Community and Education Committee to help any school community requesting citizen assistance in voluntarily resolving its school segregation problem.

Almost without exception, the citizens' groups both for and against busing with which I have consulted told me that the proposed National Community and Education Committee could be a positive addition to the resources currently available to communities which face up to the issue honestly, voluntarily and in the best spirit of American democracy.

This citizens' Committee would be made up primarily of men and women who have had community experience in school desegregation activities.

It would remain distinct and separate from enforcement activities of the Federal Courts, the Justice Department and the Department of Health, Education and Welfare.

It is my hope that the Committee could activate and energize effective local leadership at an early stage:

To reduce the disruption that would otherwise accompany the desegregation process; and

To provide additional assistance to communities in anticipating and resolving difficulties prior to and during desegregation.

While I personally believe that every community should effectively desegregate on a voluntary basis, I recognize that some court action is inevitable.

In those cases where Federal court actions are initiated, however, I believe that busing as a remedy ought to be the last resort, and that it ought to be limited in scope to correcting the effects of previous Constitutional violations.

The goal of the judicial remedy in a school desegregation case ought to be to put the school system, and its students, where they would have been if the acts which violate the Constitution had never occurred.

The goal should be to eliminate "root and branch" the Constitutional violations and all of their present effects. This is the Constitutional test which the Supreme Court has mandated—nothing more, nothing less.

Therefore, my bill would establish for Federal courts specific guidelines concerning the use of busing in school desegregation cases. It would require the court to determine the extent to which acts of unlawful discrimination by governmental officials have caused a greater degree of racial concentration in a school or school system than would have existed in the absence of such acts. It would further require the court to limit the relief to that necessary to correct the racial imbalance actually caused by those unlawful acts. This would prohibit a court from ordering busing throughout an entire school system simply for the purpose of achieving racial balance.

In addition, my bill recognizes that the busing remedy is transitional by its very nature and that when a community makes good faith efforts to comply, busing ought to be limited in duration. Therefore, the bill provides that three years after the busing remedy has been imposed a court shall be required to determine whether to continue the remedy.

Should the court determine that a continuation is necessary, it could do so only for an additional two years. Thereafter, the court could continue busing only in the most extraordinary circumstances, where there has been a failure or delay of other remedial efforts or where the residual effects of unlawful discrimination are unusually severe.

Great concern has been expressed that submission of this bill at this time would encourage those who are resisting court-ordered desegregation—sometimes to the point of violence.

Let me here state, simply and directly, that this Administration will not tolerate unlawful segregation.

We will act swiftly and effectively against anyone who engages in violence.

I assure the people of this Nation that this Administration will do whatever it must to preserve order and to protect the Constitutional rights of our citizens.

The purpose of submitting this legislation now is to place the debate on this controversial issue in the halls of Congress and in the democratic process—not in the streets of our cities.

The strength of America has always been in our ability to deal with our own problems in a responsible and orderly way.

We can do so again if every American will join with me in affirming our historic commitment to a Nation of laws, a people of equality, a society of opportunity.

I call on the Congress to write into law a new perspective which sees court-ordered busing as a tool to be used with the highest selectivity and the utmost precision.

I call on the leaders of all the Nation's school districts which may yet face court orders to move voluntarily, promptly, objectively and compassionately to desegregate their schools.

We must eliminate discrimination in America.

We must summon the best in ourselves to the cause of achieving the highest possible quality of education for each and every American child.

GERALD R. FORD.

A BILL To establish procedures and standards for the framing of relief in suits to desegregate the Nation's elementary and secondary public schools, to provide for assistance to voluntary desegregation efforts, to establish a National Community and Education Committee to provide assistance to encourage and facilitate constructive and comprehensive community involvement and planning in the desegregation of schools, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "School Desegregation Standards and Assistance Act of 1976."

STATEMENT OF FINDINGS

The Congress finds that:

(a) Discrimination against students, because of their race, color, or national origin, in the operation of the Nation's public schools violates the Constitution and laws of the United

States, denies such students equal educational opportunities, and is contrary to the Nation's highest principles and goals.

(b) The Constitution and the national interest mandate that the courts of the United States provide appropriate relief to prevent such unlawful discrimination and to remove the continuing deprivations, including the separation of students, because of their race, color or national origin, within or among schools, that such discrimination has caused.

(c) Individuals may, in normal course, choose to reside in certain areas for many reasons and, as the courts have recognized, patterns of concentration, by race, color, or national origin, in the schools that reflect such voluntary, individual choices, rather than the results of unlawful discrimination, neither necessarily render such schools inferior in the quality of education they provide nor in themselves deprive any person of equal protection of the laws.

(d) The purpose of relief directed to the effects of unlawful discrimination in the operation of the schools is not to compel a uniform balance by race, color, or national origin that would not have existed in normal course from individual voluntary acts, but is, rather, to restore the victims of discriminatory conduct to the position they would have occupied in the absence of such conduct, and so to free society and our citizens from the conditions created by unlawful acts.

(e) Although it has been found necessary in some cases, in order to remedy the effects attributable to unlawful discrimination, to require the assignment and transportation of students to schools distant from their homes, and although such a requirement may be appropriate, as a last resort, to eliminate the effects of unlawful acts that were intended to foster segregation in the schools, such a requirement can, if unduly extensive in scope and duration, impose serious burdens on the children affected and on the resources of school systems and impair the quality of education for all students that is essential to overcome past discrimination, to achieve true equality of opportunity and equal protection of the laws, and to maintain a free and open society.

(f) Because of its detrimental effects, judicially required student assignment and transportation should be employed only when necessary as an interim and transitional remedy, and not as a permanent, judicially mandated feature of any school system.

(g) In view of these conflicting values and consequences, Congress, being responsible for defining by law the jurisdiction of the inferior Federal courts and the remedies they may award in the exercise of the jurisdiction thus conferred and for enacting appropriate legislation to enforce the commands of the Fourteenth Amendment, may prescribe standards and procedures for accommodating the competing human interests involved.

(h) Throughout the history of our Nation, the education of our children, especially at the elementary and secondary level, has been a community endeavor. The concept of public

education began in the community and continuous support for public schools has been provided by the community.

(i) Although the States, and to some extent the Federal government, have been providing increased financial assistance for education, it has become clear that the solution to many of the most pressing problems facing our schools lies within the community which supports those schools.

(j) Too often required changes in the assignment of students to schools has been accomplished without the involvement of the community or with its involvement only after confrontations have occurred and community positions have been hardened.

(k) In other cases individuals from within the community have anticipated the problems associated with desegregation and have organized to face and resolve those problems. Rather than reacting negatively to the circumstances in which the the community found itself, these individuals have found constructive means to contribute to improving strained community relations, to adjust to changing conditions, and in other ways to assure the continued successful operation of the public schools.

(l) These individuals, who have experienced the trials a community may face when the schools must be desegregated and who have found ways to overcome those problems, are a unique national resource that can be of assistance to other communities that are now facing or have yet to face these trials.

TITLE I. STANDARDS AND PROCEDURES IN SCHOOL DESEGREGATION SUITS

Sec. 101. Purpose: Application.

(a) The purpose of this Title is to prescribe standards and procedures to govern the award of injunctive and other equitable relief in school desegregation cases brought under Federal law, in order (1) to prevent the continuation or future commission of any acts of unlawful discrimination in public schools, and (2) to remedy the effects of past acts of such unlawful discrimination, including, by such means as are appropriate for the purpose, the present degree of concentration by race, color or national origin in the student population of the schools attributable to such acts.

(b) The provisions of this Title shall govern all proceedings for the award or modification of injunctive and other equitable relief, after the date of its enactment, seeking the desegregation of public schools under Federal law, but shall not govern proceedings seeking a reduction of such relief awarded prior to the date of its enactment except for proceedings brought under Section 107.

Sec. 102. Definitions.

For purposes of this Title:

(a) "local education agency" means a local board of public education or any other government agency or officer of a

political subdivision of a State responsible for, or exercising control over, the operations of one or more public elementary or secondary schools.

(b) "State education agency" means a State board of public education or any other State agency or officer responsible for, or exercising control over, the operations of one or more public elementary or secondary schools.

(c) "school system" means the schools and other institutions of public education within the jurisdiction of a local or State education agency.

(d) "desegregation" means the prohibition of unlawful discrimination and the elimination of the effects of such discrimination in the operation of the schools.

(e) "unlawful discrimination" means action by a local or State education agency or by any other governmental body, agency, or officer which, in violation of Federal law, discriminates against students on the basis of race, color or national origin in the operation of the schools.

(f) "State" means any of the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Panama Canal Zone.

(g) "transportation of students" means the assignment of students to public schools in such a manner as to require, directly or indirectly, the transportation of students, in order to alter the distribution of students, by race, color, or national origin, among the schools, but does not include the assignment of any student to the school nearest or next nearest his or her residence and serving the grade he or she is attending, even if the local or State education agency provides transportation to enable the student to reach that school.

Sec. 103. Liability.

A local or State education agency shall be held subject—

(a) to relief under Section 104 of this Title if the court finds that such local or State education agency has engaged or is engaging in an act or acts of unlawful discrimination; and

(b) to relief under Section 105 of this Title if the court finds that an act or acts of unlawful discrimination have caused a greater present degree of concentration, by race, color, or national origin, in the student population of any school within the jurisdiction of the local or State education agency than would have existed in normal course had no such act occurred; *Provided*:

(i) that no order under Section 105 of this Title shall be based in whole or in part on an act or acts by a local, State or Federal agency or officer other than the local or State education agency with jurisdiction over such schools unless the court further finds, on the basis of evidence other than the effects of such acts alone, that the act or acts were committed for the specific purpose of maintaining, increasing, or controlling the degree of

concentration, by race, color, or national origin, in the student population of the schools; and

(ii) that nothing in this Title shall be construed as establishing a basis for relief against a local or state education agency not available under existing law.

Sec. 104. Relief—Orders prohibiting unlawful acts and eliminating effects generally.

In all cases in which, pursuant to Section 103(a) of this Title, the court finds that a local or State education agency has engaged or is engaging in an act or acts of unlawful discrimination, the court may enter an order enjoining the continuation or future commission of any such act or acts and providing any other relief against such local or State education agency as may be necessary and appropriate to prevent such act or acts from occurring or to eliminate the effects of such act or acts; *Provided*, That any remedy directed to eliminating the effects of such act or acts on the present degree of concentration, by race, color or national origin, in the student population of any school shall be ordered in conformity with Section 105 of this Title.

Sec. 105. Relief—Orders eliminating the present effects of unlawful acts on concentrations of students.

(a) In all cases in which, pursuant to Section 103(b) of this Title the court finds that an act or acts of unlawful discrimination have caused a greater present degree of concentration, by race, color or national origin, than would otherwise have existed in normal course in the student population of any schools within the jurisdiction of a local or State education agency, the court may order against such agency any appropriate relief to remedy the effects reasonably attributable to such acts; accordingly such relief shall be no more extensive than that reasonably necessary to adjust the composition by race, color or national origin of the particular schools so affected or, if that is not feasible, the overall pattern of student concentration by race, color or national origin in the school system so affected substantially to what it would have been in normal course, as determined pursuant to this Section, had no such act or acts occurred.

(b) Before entering an order under this Section the court shall conduct a hearing and, on the basis of such hearing, shall make specific findings concerning the degree to which the concentration, by race, color or national origin, in the student population of particular schools affected by unlawful acts of discrimination presently varies from what it would have been in normal course had no such acts occurred. If such findings as to particular schools are not feasible, or if for some other reason relief cannot feasibly be fashioned to apply only to the particular schools that were affected, the court shall make specific findings concerning the degree to which the overall pattern of student concentration, by race, color or national origin, in the school system affected by such acts

of unlawful discrimination presently varies from what it would have been in normal course had no such acts occurred.

(c) In any hearing conducted pursuant to subsection (b) of this Section the local or State education agency shall have the burden of going forward, by the introduction of evidence concerning the degree to which the concentration, by race, color or national origin, in the student population of particular schools, or the overall pattern of student concentration by race, color, or national origin in the school system, is reasonably attributable to factors other than the act or acts of unlawful discrimination found pursuant to Section 103(b) of this Title. If such evidence is introduced, the findings required by subsection (b) of this Section shall be based on conclusions and reasonable inferences from all of the evidence before the court, and shall not be based on a presumption, drawn from the finding of liability made pursuant to Section 103(b) of this Title or otherwise, that the concentration, by race, color or national origin, in the student population of any particular school or the overall pattern of concentration in the school system as a whole is the result of acts of unlawful discrimination.

(d) If any order entered under this Section against a local or State education agency is based, in whole or in part, on an act or acts of unlawful discrimination by a local, State or Federal agency or officer other than the local or State education agency, the court shall state separately in its findings the extent to which the effects found and the relief ordered pursuant to the requirements of this Section are based on such act or acts.

(e) In all orders entered under this Section the court may, without regard to the other requirements of this Section, (1) approve any plan of desegregation, otherwise lawful, that a local or State education agency voluntarily adopts, and (2) direct a local or State education agency to institute a program of voluntary transfers of students from schools in which students of their race, color, or national origin are in the majority to schools in which students of their race, color or national origin are in the minority.

Sec. 106. Voluntary action; local control.

All orders entered under Section 105 of this Title shall rely, to the greatest extent practicable and consistent with effective relief, on the voluntary action of school officials, teachers and students, and the court shall not remove from a local or State education agency its power and responsibility to control the operations of the schools except to the minimum extent necessary to prevent unlawful discrimination by such agency or to eliminate the present effects of acts of unlawful discrimination.

Sec. 107. Review of orders.

(a) In all cases in which a court-imposed requirement for transportation of students has remained in effect for a period

of three years from the date of entry of the order containing such requirement or, in the case of all final orders entered prior to enactment of this Title, from the effective date of this Title, the court shall, on motion of any party, terminate the requirement unless:

(i) the court finds that the local or State education agency has failed to comply with the requirement and other provisions of the court's order substantially and in good faith throughout the three preceding years, in which case the court may extend the requirement until there have been three consecutive years of such compliance; or

(ii) the court finds, at the expiration of such period and of any extension under (i) above, that the other provisions of its order and other remedies are not adequate to correct the effects of unlawful discrimination, determined in accordance with Section 105 of this Title, and that the requirement remains necessary for that purpose, in which case the court may continue the requirement in effect, with or without modification, until the local or State education agency has complied with the requirement substantially and in good faith for two consecutive additional years; and thereafter, in extraordinary circumstances resulting from failure or delay of other remedial efforts or involving unusually severe residual effects of unlawful acts, the court may continue the requirement in effect, as a transitional means of last resort, to such extent and for such limited periods as the court finds essential to allow other remedies to become effective.

(b) If a court-imposed requirement for transportation of students has terminated and thereafter the court finds—

(i) that the local or State education agency, subsequent to the termination, has failed to comply substantially and in good faith with other provisions of the court's order; or

(ii) that an act or acts of unlawful discrimination, as defined in Section 103(b), have occurred since the termination and have caused a greater present degree of concentration, by race, color, or national origin, than would otherwise have existed in normal course;

the court may, if no other remedy is sufficient, require transportation of students to such extent and for such limited period as may be necessary to remedy the effects found, pursuant to Section 105 of this Title, to be reasonably attributable to such failure or to such act or acts, and any such requirement shall be reviewed and subject to termination as provided in subsection (a) of this Section.

Sec. 108. Effect of subsequent shifts in population.

Whenever any order governed by Section 105 of this Title has been entered, and thereafter residential shifts in population occur which result in changes in student distribution,

by race, color or national origin, in any school affected by such order, the court shall not require modification of student assignment plans then in effect in order to reflect such changes, unless the court finds, pursuant to Section 105 that such changes result from an act or acts of unlawful discrimination.

Sec. 109. Intervention.

(a) The court shall notify the Attorney General of any proceeding to which the United States is not a party in which the relief sought includes that covered by Section 105 of this Title, and shall in addition advise the Attorney General whenever it believes that an order or an extension of an order requiring transportation of students may be necessary.

(b) The Attorney General may, in his discretion, intervene as a party in such proceeding on behalf of the United States, or appear in such proceeding for such special purpose as he may deem necessary and appropriate to facilitate enforcement of this Title, including the submission of recommendations (1) for the appointment of a mediator to assist the court, the parties, and the affected community, and (2) for the formation of a committee of community leaders to develop, for the court's consideration in framing any order under Section 105 of this Title, a five-year desegregation plan, including such elements as relocation of schools, with specific dates and goals, which would enable required transportation of students to be avoided or minimized during such five-year period and to be terminated at the end thereof.

Sec. 110. If any provision of this Title, or the application of any such provision to any person or circumstance, is held invalid, the remainder of the provisions of this Title and the application of such provision to any other person or circumstances shall not be affected thereby.

TITLE II. NATIONAL COMMUNITY AND EDUCATION COMMITTEE

Sec. 201. Purpose.

It is the purpose of this Title to create a nonpartisan national committee composed of citizens from various occupations and backgrounds, particularly individuals who have had experience in school desegregation activities from within a community, in order to provide assistance to communities that are engaged in or preparing to engage in the desegregation of their schools. With such assistance, it is expected that effective local leadership can be developed at an early stage of the desegregation process in order to facilitate that process, to assure that the educational advantages of desegregated education are fully realized, and to reduce or avoid public misunderstanding and disorder. The Committee will be a resource available to assist communities in anticipating and resolving difficulties encountered prior to and during desegregation. It is the intent of Congress that

the Committee be composed of individuals who have demonstrated their concern for avoiding conflict and disruption in their communities during the desegregation of schools and who, without regard for their personal opinion with respect to such desegregation, have been involved in efforts within their communities to adjust to changing circumstances while ensuring the continued successful operation of the public schools.

Sec. 202. Establishment of the Committee.

(a) *Establishment.*—There is established in the Executive Branch of the Federal government a National Community and Education Committee (hereinafter referred to as the "Committee.").

(b) *Members.*—The Committee shall be composed of not fewer than fifty nor more than one hundred members, ten of whom shall be appointed by the President and shall comprise the executive council of the Committee, and the remainder of whom shall be appointed by the executive council. All the members of the Committee shall be selected from among individuals of various occupations and backgrounds, including individuals previously involved within a community in activities related to the desegregation of schools. Members of the Committee shall be selected on the basis of their knowledge and experience in community matters, their ability to provide constructive assistance in preparing a community for the desegregation of its schools, and their ability to contribute in other ways to carrying out the functions of the Committee. Selection of members of the Committee shall be on a nonpartisan basis, and no more than one half of the members of the Committee at any one time shall be members of the same political party.

(c) *Chairman and Vice Chairman.*—The President shall designate one of the members of the executive council as Chairman of the Committee and one member as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office, and shall carry out such other duties as the Chairman or the executive council may direct. The terms of office of the Chairman and the Vice Chairman shall not exceed three years.

(d) *Executive Council.*—The executive council of the Committee shall (1) establish general operating policies for the Committee, (2) approve all grants made pursuant to Section 204 of this Title, (3) appoint, for terms of from one to three years, not fewer than forty nor more than ninety individuals to be members of the Committee, and (4) carry out such other duties as the Chairman may direct. The term of office of members of the executive council shall be three years, except that of the members first appointed to the executive council (other than the Chairman and Vice Chairman) three shall serve for a term of one year, three for a term of two years, and two for a term of three years.

(e) *Compensation of members.*—Each member of the Committee shall be compensated in an amount not to exceed that paid at level IV of the Federal Executive Salary Schedule, pursuant to Section 5313 of Title 5, United States Code, prorated on a daily basis for each day spent on the work of the Committee, including travel time. In addition, each member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by Section 5703 of Title 5, United States Code, for persons employed intermittently in the Government Service.

(f) *Operation of the Committee; staff.*—The functions of the Committee shall, to the greatest extent possible, be carried out by the members of the Committee. The Chairman of the Committee is authorized to appoint, without regard to the provisions of Title 5, United States Code, governing appointments in the competitive service, or otherwise obtain the services of such professional, technical, and clerical personnel, including consultants, as may be necessary to—

(i) identify, document, and disseminate information concerning successful community efforts relating to desegregation;

(ii) coordinate and expedite the availability of Federal assistance in support of community efforts relating to desegregation; and

(iii) otherwise enable the Committee to carry out its functions.

Such personnel shall be compensated at rates not to exceed that specified at the time such service is performed for grade GS–18 in Section 5332 of Title 5, United States Code. The full-time staff of the Committee shall not exceed thirty individuals at any time.

Sec. 203. Functions of the Committee.

The functions of the Committee shall include, but shall not be limited to—

(1) Consulting with leaders in the community and local groups in determining means by which such leaders and groups can, through early involvement in the development of, and preparation for, school desegregation plans, contribute to the desegregation process in such a way as to avoid conflicts and recourse to judicial procedures;

(2) Encouraging the formation of broadly based local community organizations to develop programs designed to encourage comprehensive community planning for the desegregation of schools;

(3) Providing advice and technical assistance to communities in preparing for and carrying out comprehensive plans to desegregate the schools;

(4) Consulting with the Community Relations Service of the Department of Justice (established under Title X of the Civil Rights Act of 1964), the Office for Civil Rights in the Department of Health, Education, and Welfare, the National Institute of Education, Office of Education, General

Assistance Centers (funded under Title IV of the Civil Rights Act of 1964), the Civil Rights Commission, and State and local human relations agencies to determine how those organizations can contribute to the resolution of problems arising in the desegregation of schools within a community; and

(5) providing informal conciliation services for individuals, groups, and agencies within a community in order to resolve conflicts, reduce tensions, and develop acceptable means of desegregating schools without resort to administrative and judicial processes.

Sec. 204. Community grants.

(a) The Chairman of the Committee is authorized, upon receipt of an application in such form as he may prescribe and upon the approval of the executive council of the Committee, to make grants to private nonprofit community organizations in order to assist them in the initial stages of carrying out activities designed to accomplish the purposes of this Title.

(b) Grants made pursuant to this Section shall be in such amounts, not to exceed $30,000, as the executive council of the Committee deems necessary to assist in the establishment and early development of eligible community organizations. No organization may receive a grant under this Section for more than one year of operation.

(c) In determining whether to approve a grant to a community organization under this Title, the executive council of the Committee shall require an applicant to demonstrate that the organization has reasonable promise of making substantial progress toward achieving the purposes of this Title. Such demonstration shall include a showing of adequate financial or other support from the community.

(d) The Executive council of the Committee shall not make a grant to two or more organizations within a community unless it determines that the activities of such organizations are sufficiently coordinated to ensure that their activities are not duplicative or inconsistent.

Sec. 205. Limitations on activities of the Committee.

It shall not be the function of the Committee—

(1) to prepare desegregation plans;

(2) to provide mediation services under the order of a court of the United States or of a State;

(3) to investigate or take any action with respect to allegations of violation of law; or

(4) to participate in any capacity, or to assist any party, in administrative or judicial proceedings under Federal or State law seeking desegregation of schools.

Sec. 206. Cooperation by other departments and agencies.

(a) All executive departments and agencies of the United States are directed to cooperate with the Committee and fur-

nish to it such information, personnel and other assistance as may be appropriate to assist the Committee in the performance of its functions and as may be authorized by law.

(b) In administering programs designed to assist local educational agencies and communities in planning for and carrying out the desegregation of schools, the Attorney General, the Secretary of Health, Education, and Welfare, and the heads of the agencies within that Department shall administer such programs, to the extent permitted by law, in a manner that will further the activities of the Committee.

Sec. 207. Confidentiality.

The activities of the members and employees of the Committee in carrying out the purposes of this Act may be conducted in confidence; and the Committee shall not disclose or be compelled to disclose, pursuant to judicial process or otherwise, any information acquired in the regular performance of its duties if such information was provided to the Committee upon an assurance by a member or employee of the Committee that it would be so held.

Sec. 208. Authorization of appropriations.

(a) There are authorized to be appropriated $2,000,000 for salaries and expenses of the Committee for the fiscal year ending September 30, 1977, and for each of the two succeeding fiscal years.

(b) For the purpose of making grants under Section 204, there are authorized to be appropriated to the Committee $2,000,000 for the fiscal year ending September 30, 1977, and for each of the two succeeding fiscal years.

Sec. 209. Federal Community Assistance Coordinating Council.

(a) There is created in the Federal government a Federal Community Assistance Coordinating Council (hereinafter the "Council") which shall be composed of a representative or representatives of each of the following departments or agencies:

(1) the Community Services Administration;
(2) the Department of Health, Education, and Welfare;
(3) the Department of Housing and Urban Development;
(4) the Department of the Interior;
(5) the Department of Justice; and
(6) the Department of Labor.

The President may designate such other departments or agencies to be represented on the Council as he deems appropriate to carry out the functions of the Council.

The representative or representatives of each such department or agency shall be appointed by the head of the department or agency from among individuals employed by that department or agency who are familiar with, and expe-

rienced in the operation of, the programs and activities of that department or agency which are available to provide assistance for community relations projects, educational programs, and other community-based efforts which would help to reduce or eliminate the misunderstanding and disorder that could be associated with school desegregation. The head of each such department or agency shall appoint sufficient representatives to the Council to ensure that an individual with a working knowledge of each such program or activity in that department or agency is on the Council.

(b) It shall be the function of the Council to meet or consult with representatives of communities who are seeking Federal support for community relations projects, educational programs, and other community-based efforts to facilitate desegregation, in order to assist such communities in (1) designing projects or activities that demonstrate promise of assisting in those efforts, (2) determining which Federal programs are available for such activities, and (3) completing the necessary applications and other prerequisites for appropriate Federal assistance.

(c) To the extent consistent with the law authorizing any such Federal assistance program, each department or agency listed in subsection (a) of this Section shall administer such program in a manner which will support the activities of the Council. Each such department or agency shall from time to time provide to the Council such additional personnel or other assistance as may be necessary to carry out the functions of the Council.

(d) There are authorized to be appropriated for the purpose of carrying out the duties and functions of the Council under this Section $250,000 for the fiscal year ending September 30, 1977 and for each of the two succeeding fiscal years.

Section-by-Section Analysis of the "School Desegregation Standards and Assistance Act of 1976"

TITLE I. STANDARDS AND PROCEDURES IN SCHOOL DESEGREGATION SUITS

Sec. 101. Purpose; Application

(a) Title I prescribes standards and procedures to govern the award of equitable relief [1] in school desegregation suits; that is, suits seeking the elimination of discrimination, on the basis of race, color or national origin, against students in public schools.[2] The bill applies to any such suit which is based upon Federal law. Where a lawsuit seeks relief with respect to faculty and staff, as well as students, the bill applies to the extent that the suit relates to students.

The purpose of Title I's provisions is to assure that such relief (1) prevents the occurrence of unlawful discrimination against students in the operation of public schools and (2) remedies, by appropriate means, the effects of such discrimination.

[1] The award of declaratory judgments, as well as injunctive and other equitable relief, is within the Title's coverage.
[2] "Desegregation" and other pertinent terms are defined in Sec. 102.

(b) Title I applies to all school desegregation suits based upon Federal law in which relief is awarded after the Act's enactment. The Title thus would apply to the award of additional relief in cases in which there is an existing court-ordered remedy. The Title would not apply, however, to motions to reduce or terminate existing orders unless the motion was made after the times set out in Sec. 107. If the motion is made before Sec. 107 applies, it would be governed by existing law rather than by Sec. 107's standards.

Sec. 102. Definitions

Subsections 102 (a), (b), (c) and (f), which define respectively "local education agency," "State education agency," "school system" and "State," are self-explanatory.

The definitions of "desegregation" (subsection 102(d)) and "unlawful discrimination" (subsection 102(e)) reflect the purpose of the Title, i.e., regulating the award of relief to remedy discrimination against students in the operation of public schools. Thus, within the meaning of the Title, "unlawful discrimination" is

> action by a local or State education agency or by any other governmental . . . agency . . . which, in violation of Federal law, discriminates against students on the basis of race, color or national origin in the operation of the schools.

This definition is intended to incorporate the standards of the Constitution and of Federal civil rights laws.

Under Title I, a "desegregation" suit is one seeking (1) the prohibition of "unlawful discrimination" and (2) the elimination of the effects of such discrimination in the operation of public schools.

Subsection 102(g) provides that "transportation of students" means "the assignment of students . . . in such a manner as to require, directly or indirectly, the transportation of students, in order to alter the distribution of students, by race, color, or national origin, among the schools . . ." An indirect requirement of such transportation would exist, for example, when the assignments were such that it was no longer feasible for certain students to walk to school. Assignment of a student, however, to a school that serves the student's grade level and is nearest or next nearest the student's residence is not covered by the definition, even if the assignment results in transportation of the student to the school.

Sec. 103. Liability

Sec. 103 establishes the basic scheme for relief under Title I against local or State education agencies. It provides, in subsection (a), that relief of the type described in Sec. 104 will be available whenever the court finds that a local or State education agency "has engaged or is engaged in . . . unlawful discrimination."

Subsection 103(b) provides that the relief of Sec. 105 will be available when the court finds that "unlawful discrimination" resulted in an increased present degree of concentration, by race, color or national origin, in the student population of any school. In other words, a finding of unlawful discrimination which consisted only of assigning students to classes, within a school, on the basis of race and which had no effect upon other schools, would subject the defendant to relief under Sec. 104, whereas a finding of unlawful discrimination in the

drawing of school boundaries, so as to establish one white school and one black school, would subject the defendant to relief under Sec. 105 as well.

The proviso of subsection 103(b) deals with the matter of relief, under Sec. 102, against a local or State education agency where all or some of the effects that the relief is intended to remedy were caused by the conduct of other governmental agencies or officers. Paragraph 103(b)(i) states that:

> . . . no order under Sec. 102 . . . shall be based in whole or in part on an act or acts by a local, State or Federal agency or officer other than the local or State education agency with jurisdiction over . . . [the schools in question] unless the court further finds, on the basis of evidence other than the effects of such acts alone, that the act or acts were committed for the specific purpose of maintaining, increasing, or controlling the degree of concentration, by race, color, or national origin, in the student population of the schools . . .

In other words, no order to remedy increased concentration, by race, color or national origin, in the student population of any school may be based, wholly or partly, on the conduct of a local, State or Federal agency other than an education agency unless the court finds that the specific purpose of such conduct was to maintain, increase or control the degree of such concentration in student population. Paragraph 103(b)(i) states that such a finding concerning specific purpose must be based upon evidence "other than the effects of . . . [the conduct on the part of the other agency] alone." Thus, while evidence concerning the effects of the non-school agency's conduct is relevant, such evidence by itself is not sufficient to establish the requisite specific purpose. Other evidence regarding purpose must be provided.

The second part of the proviso, paragraph 103(b)(ii), states that nothing in Title I is to be construed as establishing a basis for relief against a local or State education agency where such relief is not available on the basis of existing law (i.e., other law existing at the time of the particular lawsuit). If Federal law authorizes relief against school authorities on the basis of discrimination by some other government agency, then the proviso of subsection 103(b) governs the award.

Sec. 104 Relief—Orders prohibiting unlawful acts and eliminating effects generally

This section relates to the award of relief generally to prevent acts of unlawful discrimination by local or State education agencies and to eliminate the effects of such acts. As stated in the proviso, however, sec. 105 is the section applicable to the award of any remedy to eliminate the effects of such discrimination on the present degree of concentration, by race, color or national origin, in student population. Thus, sec. 104 applies to the prevention of all acts of school discrimination and to the elimination of all effects except the effect of concentration, by race, color or national origin, in student population.

Sec. 104 provides that the court may (1) enjoin the continuation of future commission of such discriminatory conduct and (2) provide

other relief needed to prevent the occurrence of the discriminatory acts or to eliminate their present effects, other than effects upon the composition, by race or national origin, of student bodies.

Sec. 105 Relief—Orders eliminating the present effects of unlawful acts on concentrations of students

(a) This section becomes applicable when, pursuant to subsection 103(b), the court finds that unlawful discrimination has caused a greater present degree of concentration, by race, color or national origin, than would otherwise have existed in the student population of any of an education agency's schools. (See the discussion of subsection 103(b).) With regard to such discrimination, the court may order against such agency "any appropriate relief to remedy the effects reasonably attributable to such acts." Under subsection 105(a), the court may order such relief—but only such relief—as is reasonably necessary to create substantially the same kind of distribution of students, by race, color or national origin, that would have existed had no such discrimination occurred. If feasible, the court's order is to be based upon findings regarding, and is to relate to, the particular schools affected by the discrimination. For example, if the discrimination consisted of artificial alteration of the boundaries between two schools, which affected and now affects the student population of only those two schools, the relief is to relate only to those schools and is to seek only re-creation of the situation which would now exist had the boundaries been established in a non-discriminatory fashion. In determining what situation would now exist, the court would, of course, take into account shifts in population which have occurred since the alteration of boundaries—including, but not limited to, such shifts as were the identifiable effect of that unlawful act.

In some cases, it may be impossible to isolate the effects of a discriminatory act upon particular schools, or to use only those schools in re-creating the situation, insofar as concentration of students by race, color or national origin is concerned, which would now exist within the district absent the discriminatory acts. For example, where an identifiable effect of a past discriminatory act was to destroy mixed residential pattern which would otherwise have subsisted, it may not be feasible, by directing relief only at the schools originally affected, in areas which are now no longer integrated, to achieve effective relief. In such cases, the court may direct its relief at patterns of concentration by race, color or national origin within the school district rather than at the particular schools originally affected.

(b) Subsection 105(b) describes the type of findings which must be made by the court before sec. 105 relief may be awarded. The court, after conducting an appropriate hearing, is to make specific findings concerning the degree to which the concentration, by race, color or national origin, in the student population of particular schools affected by unlawful discrimination varies from what it would have been had no such discrimination occurred. For example, a court might find that, but for the discrimination, a school whose student body is presently 60 percent black would have a student body that is 30 percent black. Under subsection 105(b), with regard to that school, the objective of

the court's decree would be to achieve a student population which is 30 percent black.

If it is not feasible to make the above findings with regard to particular schools or if it is not feasible to fashion relief limited to the particular schools affected by the discrimination, the court is to make specific findings concerning the degree to which the overall pattern of student concentration, by race, color or national origin, in the school system varies from what it would have been had the unlawful discrimination not occurred. For example, a court might find that, but for the discrimination, the district would have had five schools with student bodies approximately 30 percent black; under subsection 105(a), the objective of the court's decree would be to establish a situation in which five such schools exist.

(c) Subsection 105(c) provides that, in any subsection 105(b) hearing, the defendant-education agency shall have the burden of going forward with the evidence. That is, the defendant has the burden of introducing evidence concerning the degree to which the concentration of students, by race, color or national origin, (in particular schools or overall in the school system) is reasonably attributable to factors other than unlawful discrimination on the part of the defendant or another local or State agency. (Subsection 103(b) prescribes the manner in which findings concerning such discrimination are to be made.)

Subsection 105(c) further provides that, if the defendant meets its burden by offering appropriate evidence, the findings required by subsection 105(b) are to be based on conclusions and reasonable inferences from all of the evidence before the court including evidence introduced under sec. 103. Such findings are not to be based on a presumption, drawn from the finding of liability made pursuant to subsection 103(b) or otherwise, that the concentration, by race, color or national origin, in the student population of any particular school or the overall pattern of concentration in the school system is the result of acts of unlawful discrimination.

(d) Subsection 105(d) states that, if any order entered under sec. 105 is based, in whole or in part, on unlawful discrimination by a local or State agency other than an education agency, the court is to state separately in its findings the extent to which the effects found and the relief ordered (pursuant to sec. 105) are based on such discrimination.

(e) Subsection 105(e) exempts from sec. 105's other requirements, certain elements of an order entered under sec. 105. Without regard to such other requirements, the court may (1) approve any (otherwise lawful) desegregation plan voluntarily adopted by a local or State education agency or (2) direct institution of a program of voluntary majority-to-minority transfers by students.

Sec. 106. Voluntary action; local control

This section provides that any order entered under sec. 105 is to rely, to the greatest extent practicable and consistent with effective relief, on the voluntary action of school officials, teachers and students. The court is not to remove local or State control of the school system except to the minimum extent necessary to prevent discrimination and eliminate its present effects.

Sec. 107. Review of orders

(a) Subsection 107(a) deals with review of court-imposed requirements for "transportation of students." (The quoted term is defined in subsection 102(g).) After such a requirement has remained in effect for (1) three years from the date of entry of the pertinent order or (2), in the case of a final order entered before enactment of Title I, three years from the date of enactment, the court, on motion of any party is to review the requirement. The requirement may then continue in effect only if the court makes the findings described in paragraph 107(a)(i) or (a)(ii). The subsection in no way restricts or precludes earlier relief from the requirement.

Under paragraph 107(a)(i), if the court finds that the local or State education agency has failed to comply with that requirement and other provisions of the court's order substantially and in good faith for the three years preceding the filing of the motion, the court may continue the requirement in effect until there have been three consecutive years of such compliance.

Under paragraph 107(a)(ii), even where there have been three consecutive years of substantial, good faith compliance, the court may continue the requirement for transportation of students if it finds (1) that the other provisions of its order and other possible remedies are not adequate to correct the effects of unlawful discrimination, determined in accordance with sec. 105 of this title, and (2) that the requirement remains necessary for that purpose. If the court makes those findings, it may continue the requirement in effect, with or without modification, until the education agency has complied with the requirement substantially and in good faith for two additional consecutive years. The proviso states that, after there has been such compliance for two additional consecutive years, the court may continue the requirement in effect where there are extraordinary circumstances resulting from the failure or delay of other remedial efforts or involving unusually severe residual effects of unlawful acts. In such circumstances the requirement may be continued, as a transitional means of last resort, for specific, limited periods which the courts find essential to allow other remedies to become effective. Absent such extraordinary circumstances, there is to be no further continuation of the requirement for transportation of students. (But see the discussion below of subsection 107(b).)

(b) This subsection relates to situations in which, after the termination of a court-imposed requirement for transportation of students, conduct occurs which may call for reimposing such a requirement.

Subject to certain limitations, the court may reimpose a requirement for transportation of students if, after termination of the initial requirement of that type, the court finds:

> (i) that the local or State education agency, subsequent to the termination, has failed to comply substantially and in good faith with other provisions of the court's order; or
>
> (ii) that an act or acts of unlawful discrimination as defined in sec. 103(b), have occurred since the termination and have caused a greater present degree of concentration, by race, color, or national origin, than would otherwise have existed in normal course . . .

Such a requirement may be reimposed only if the court determines that no other remedy would be sufficient. Moreover, the requirement for transportation of students may be reimposed only to the extent and for such limited time as may be necessary to remedy the effects found, pursuant to sec. 105, to be reasonably attributable to the post-termination conduct found pursuant to paragraph 107(b) (i) or (ii).

Sec. 108. Effect of subsequent shifts in population

This section states that, when an order subject to sec. 107 has been entered and thereafter shifts in housing patterns cause changes in student distribution by race, color or national origin, ordinarily the court is not to require modification of the student-assignment plan to compensate for such changes. The court may require such modification if it finds, pursuant to sec. 105 that the changes in student distribution result from discrimination on the part of the local or State education agency or another local or State agency. (Regarding findings of discrimination on the part of agencies of the latter type, see the discussion of subsection 103(b).)

Sec. 109. Intervention

(a) Subsection 109(a) provides that the court is to notify the Attorney General of the United States of any proceeding, to which the United States is not a party, in which the relief sought includes relief covered by sec. 105. This applies whenever sec. 105 is applicable, whether in regard to a new suit, an application for additional relief, or a proceeding necessitated by sec. 107 in a pre-enactment suit. In addition, the court is to advise the Attorney General whenever it believes that an order or an extension of an order requiring the transportation of students in order to alter their distribution by race, color or national origin may be necessary.

(b) This subsection states that, in any proceeding covered by subsection 109(a), the Attorney General may, in his discretion, intervene as a party. Alternatively, the Attorney General may elect to appear for such special purpose as he deems necessary to facilitate enforcement of Title I. Such special purposes include recommending (1) that a mediator be appointed to assist the court, the parties and the affected community or (2) that a committee of community leaders be appointed to prepare, for the court's consideration, a five-year desegregation plan, with the objective of enabling required assignment and transportation of students to be avoided or minimized during the five-year period and terminated at the end of that period.

Sec. 110. Separability

This section states that, if any provision of Title I or the application of any such provision to any person or circumstance is held invalid, the remainder of the title and the application of such provision to any other person or circumstances is not to be affected thereby.

TITLE II. THE NATIONAL COMMUNITY AND EDUCATION COMMITTEE

Sec. 201. Purpose

The purpose of Title II is to create a nonpartisan National Committee composed of citizens with experience in activities relating to the desegregation of schools within a community. The Committee would be

available to assist communities that are now engaged, or preparing to engage, in school desegregation in order to help those communities facilitate that process, anticipate and handle difficulties and thereby reduce or avoid public misunderstanding and disorder.

Sec. 202. Establishment of the Committee

Sec. 202 of the bill would establish the Committee in the Executive Branch of the Federal Government. The Committee would be composed of not fewer than fifty nor more than one hundred members. Ten of the members would be appointed by the President and would comprise the executive council of the Committee. The President would also appoint a Chairman and Vice Chairman of the Committee from among the executive council. The remainder of the members would be appointed by the executive council of the Committee. The executive council would establish general operating policies for the Committee and approve all grants made by the Committee. The Committee would be authorized to employ a small professional staff or obtain the services of consultants, but it is expected that the bulk of the activities of the Committee would be carried out by Committee members themselves. For each day spent on the work of the Committee, members would be compensated at a rate not to exceed that paid at level IV of the Federal Executive Salary Schedule.

Sec. 203. Functions of the Committee

The primary functions of the Committee are set forth in Sec. 203 of the bill. These functions include (1) consulting with community leaders and local groups to assist them in preparing for the desegregation process in a manner designed to avoid community conflicts, (2) encouraging the formation of local community organizations to help the community plan for desegregation, (3) providing advice and technical assistance in this planning process, (4) consulting with various Federal agencies to determine how those agencies can assist communities in resolving problems arising during the desegregation process, (5) providing informal conciliation services among community groups, and (6) providing grants to assist in the establishment and development of such community organizations.

Sec. 204. Community Grants

Sec. 204 authorizes the Chairman of the Committee, upon approval by the executive council, to make grants to private nonprofit community organizations in order to assist them in the initial stages of activities designed to accomplish the purposes of this Title. Grants could not exceed $20,000 and would not be available to assist the organization for more than one year. In order to approve a grant to a community organization, the executive council of the Committee would require an applicant to demonstrate that it has adequate financial or other support from the community in order to demonstrate reasonable promise of making substantial progress towards achieving the purpose of this Title.

Sec. 205. Limitations on Activities of the Committee

Sec. 205 sets forth certain limitations on the activities of the Committee. This provision is designed to make clear that it is not the function of the Committee to (1) prepare desegregation plans, (2) provide

mediation services under the order of a State or Federal court, (3) investigate or take any other action with respect to alleged violations of law, or (4) participate or assist in any administrative or judicial proceedings under State or Federal law seeking the desegregation of schools.

Sec. 206 Cooperation by Other Departments and Agencies

Sec. 206 of the bill would direct all executive departments and agencies of the United States to cooperate with the Committee and furnish it such information, personnel and other assistance as the Committee may need to carry out its functions. This section also requires the Attorney General, the Secretary of Health, Education, and Welfare and the heads of agencies within that Department to administer programs which are designed to assist local educational agencies and communities in planning for and carrying out desegregation of schools in a manner that would further the activities of the Committee.

Sec. 207. Confidentiality

Sec. 207 of the bill provides that members and employees of the Committee may carry out their activities in confidence. The Committee shall not disclose, or be compelled to disclose, any information which it acquires in carrying out its duties if such information was provided to the Committee upon an understanding of such confidentiality.

Sec. 208. Authorization of Appropriations

Sec. 208 authorizes the appropriation of a total of $4 million for the Committee for the fiscal year ending September 30, 1977, and for each of the two succeeding fiscal years. Of this amount, $2,000,000 would be authorized for salaries and expenses of the Committee and $2,000,000 for making grants to community organizations.

Sec. 209. Federal Community Assistance Coordinating Committee

Sec. 209 of the bill would create a Federal Community Assistance Coordinating Council, the purpose of which would be to provide a central point in the Federal government to assist community organizations in determining what types of Federal programs are available for activities within their communities to provide assistance for community relations projects, education programs, and other community-based efforts which would help to reduce or eliminate the misunderstanding and disorder that could be associated with school desegregation. Each Federal agency which administers programs providing such assistance would be represented on the council. These representatives of Federal agencies would be available to assist community organizations in (1) designing projects or activities that show promise of assisting in those efforts, (2) determining which Federal programs would be available for those activities, and (3) completing the necessary application forms and other prerequisites in order to expedite the availability of such Federal assistance. $250,000 would be authorized to be appropriated for this activity.

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